AE 066 (SECRET)



Maintained by Court Reporters

5 Dec 07 Hearing

Department of Defense
Office for the Administrative Review of the Detention of Enemy
Combatants at U.S. Naval Base Guantanamo Bay, Cuba

6 September 2006

TO:

BOUJAADIA, SAID

SUBJECT:

UNCLASSIFIED SUMMARY OF EVIDENCE FOR ADMINISTRATIVE

REVIEW BOARD IN THE CASE OF BOUJAADIA, SAID

 An Administrative Review Board will be convened to review your case to determine if your continued detention is necessary.

- 2. The Administrative Review Board will conduct a comprehensive review of all reasonably available and relevant information regarding your case. At the conclusion of this review the Board will make a recommendation to: (1) release you to your home state; (2) transfer you to your home state, with conditions agreed upon by the United States and your home state; or (3) continue your detention under United States control.
- 3. The following primary factors favor continued detention:
 - a. Commitment
- In July 2001, the detainee traveled with his family to Damascus, Syria, then to Turkey and subsequently to Tehran, Iran. The detainee and his family also traveled to Mashad, Iran, and then to Herat, Afghanistan and finally to Kandahar, Afghanistan.
- The detainee periodically visited the Omar bin al Khattab Mosque, where the Imam preached support for jihad in Chechnya.
- The detainee went to Afghanistan with the intention of fighting for jihad. The detainee planned on staying in Afghanistan and becoming a merchant there.
- 4. An individual facilitated the detainee's travels to Afghanistan. In Kandahar, Afghanistan the detainee located a contact his brother-in-law had given him in the al Wafa organization. This contact took the detainee and his family to the detainee's brother-in-law's house.
- 5. On 5 December 2001, the Secretary of State placed al Wafa al-Igatha al-Islamia on the Terrorist Exclusion List because the organization has committed or incited to commit a terrorist activity; prepared or planned a terrorist activity; gathered information on potential targets for terrorist activity; or provided material support to further terrorist activity.

DMO Exhibit 1 Page 1 of 4

UNCLASSIFIED

000217

ISN 150

SUBJECT: UNCLASSIFIED SUMMARY OF EVIDENCE FOR ADMINISTRATIVE REVIEW BOARD IN THE CASE OF BOUJAADIA, SAID

- 6. Enroute from the Afghanistan to the Pakistan border, bomb shrapnel struck the detainee's car. The detainee and his wife were hurt and his brother-in-law's wife was killed. After the bombing incident, the detainee's brother-in-law arranged for smugglers to take the detainee's family across the Pakistan border again. The detainee stayed back since it was too dangerous to travel with them. But the detainee's brother-in-law never returned.
- The detainee returned to Kandahar, Afghanistan and asked a smuggler to help get his family out of Afghanistan and into Pakistan.
- As two men and the detainee traveled, the detainee heard gunfire. The detainee jumped out of the bus and hid in nearby rocks.
- 9. On 24 November 2001, about 300 troops loyal to an Afghan opposition figure took control of the village of Takhteh Pol, Afghanistan cutting off the highway between Kandahar City, Afghanistan and the border town of Spin Boldak, Afghanistan. Within two hours of taking the city, the troops traded gunfire with Arabs associated with Usama bin Laden who were passing through the village by car. Three Arabs were killed returning fire at checkpoints. Two additional Arabs were taken prisoner.
- 10. The Afghan opposition figures troops took possession of two SA-7 missiles and an ICOM hand-held radio from the Arabs killed in the gunfight. The troops listened to the radio's pre-tuned frequency and heard Arabs discussing the capture of their cohorts, mentioning the Afghan leader by name.
 - 11. The two Arabs captured on 24 November 2001 were the detainee and a Yemen citizen.
- The detainee and the Yemen citizen agreed to tell interrogators a cover story that they worked for the al Wafa organization.
 - 13. The Yemen citizen admitted he was Usama bin Laden's driver in Afghanistan.

b. Training

- The detainee had no military experience in Morocco. The detainee applied for the Moroccan Gendarmerie Forces, but was rejected because of poor education.
- A source indicated that the detainee went to al Farouq Training Camp in Afghanistan, but was disappointed with the harsh conditions.
- The Moroccan Islamic Combatant Group used al Qaida's al Farouq Training Camp in Kandahar, Afghanistan for basic training.

Page 2 of 4

UNCLASSIFIED

-00×18

SUBJECT: UNCLASSIFIED SUMMARY OF EVIDENCE FOR ADMINISTRATIVE REVIEW BOARD IN THE CASE OF BOUJAADIA, SAID

4. The detainee went to al Farouq Training Camp in September 2001. The detainee stayed there eleven days. During this time, the detainee trained on the AK-47, RPG, pistol, BK machine gun, formations, hand-to-hand combat and physical fitness.

c. Connections/Associations

- The detainee first met an al Qaida operative at the Umar bin Khattab Mosque in Casablanca, Morocco sometime in 1998.
- The al Qaida operative told the detainee that he had lived in Italy, but gave up everything to go to Afghanistan to fight jihad.
- The same al Qaida operative led a terrorist cell in Kenitra, Morocco with other members of al Qaida and other extremists devoted to jihad to help overthrow the Moroccan government.
- The detainee believed that the al Qaida operative was a suspected Moroccan Islamic Combatant Group member.
- 5. The Secretary of State designated the Moroccan Islamic Combatant Group as a foreign terrorist organization. Starting in the late 1990s, the goals of the Moroccan Islamic Combatant Group reportedly included establishing an Islamic state in Morocco and supporting al Qaida's jihad against the West.
- Sometime in the year 2000, detained drove a senior al Qaida operative, accompanied by a woman about to be smuggled to Spain, to a private residence.
- 7. The Secretary of State has designated the Libyan Islamic Fighting Group as a foreign terrorist organization. The Libyan Islamic Fighting Group emerged in 1995 among Libyans who had fought against Soviet forces in Afghanistan and declared the government of Libyan leader Muammar Qadhafi un-Islamic and pledged to overthrow it. Some members are aligned with al Qaida or are active in the international mujahedin network.
- 8. The detainee's kunya was found on an Arabic document retrieved on 6 March 2002. The document is a list of names of al Qaida martyrs, those missing in action, those imprisoned brothers, and those who escaped to Pakistan, as well as names of individuals assigned to various military positions and units. The detainee was listed as part of a convoy on the Boldak/Kandahar Road around 26 November 2001.
- 9. At the time of capture, the detainee had a color photograph among his personal affects. A senior al Qaida member identified the person in the photo as a Yemeni who he believed pledged bayat to Usama bin Laden.

Page 3 of 4

UNCLASSIFIED

000219

SUBJECT: UNCLASSIFIED SUMMARY OF EVIDENCE FOR ADMINISTRATIVE REVIEW BOARD IN THE CASE OF BOUJAADIA, SAID

10. We received information from a foreign confidential source stating that the detainee was involved in religious extremism. The source also alleged that the detainee was involved in activities which benefit the terrorist organization of al Qaida or other terrorist groups.

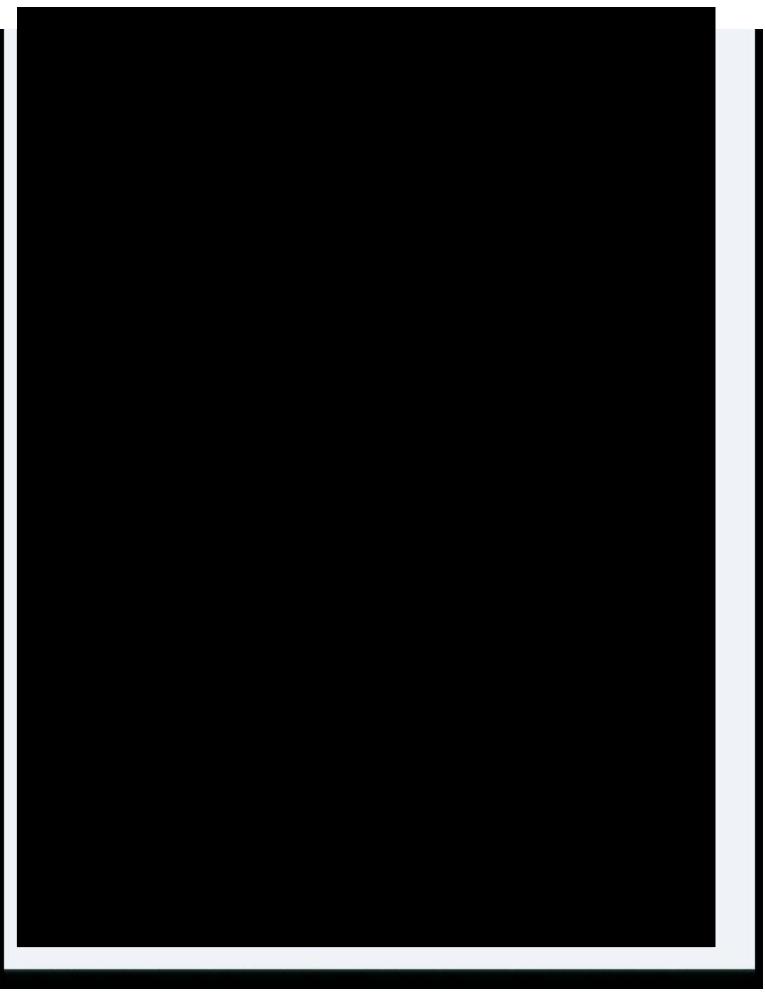
d. Other Relevant Data

- In January 2002, al Qaida members sent the detainee's brother-in-law to Morocco to identify United States targets for future attacks.
- Moroccan authorities arrested three Saudis and four Moroccans plotting to use explosive-packed boats to attack American and British ships in the Strait of Gibraltar. The detainee's brother-in-law was one of those arrested.
- 4. The following primary factors favor release or transfer:
- a. The detainee stated that he had no knowledge of the attacks against the World Trade Center or any other subversive actions against the American people, before or after they happened.
- b. The detainee denied ever hearing about the Moroccan Islamic Fighting Group or the Libyan Islamic Fighting Group prior to his arrival at Guantanamo Bay.
- 5. You will be afforded a meaningful opportunity to be heard and to present information to the Board; this includes an opportunity to be physically present at the proceeding. The Assisting Military Officer (AMO) will assist you in reviewing all relevant and reasonably available unclassified information regarding your case. The AMO is not an advocate for or against continued detention, nor may the AMO form a confidential relationship with you or represent you in any other matter.

Page 4 of 4

UNCLASSIFIED

000220



UNITED STATES OF AMERICA)))
v. SALIM AHMED HAMDAN) GRANT OF TESTIMONIAL IMMUNITY) TO SAID BOUJAADIA AND ORDER TO) TESTIFY
	DEC 0 5 2007

An investigation has revealed that you, Said Boujaadia, have knowledge of offenses allegedly committed by Salim Ahmed Hamdan. The offenses in question involve conspiracy to commit acts of terrorism and providing material support to terrorism.

On the basis of additional information provided subsequent to your initial request, by authority vested in me as convening authority for military commissions, under Rule for Military Commissions 704(c)(1), Manual for Military Commissions, United States, 2007, and by the Attorney General of the United States pursuant to Title 18, United States Code, Section 6004, I hereby grant you testimonial immunity and order you to answer truthfully any questions posed to you by investigators and counsel pertaining to, and to testify at any proceeding held pursuant to the Military Commissions Act of 2006 (Title 10, United States Code, Sections 948a, et. seq.) concerning any offenses alleged against the accused identified above.

Under this immunity, your testimony and statements, as well as information directly or indirectly derived therefrom, may not be used against you in a later trial by military commission. However, this immunity does not bar the use of your testimony, or information derived from it, in prosecuting you for perjury, false swearing, making a false statement, or otherwise failing to comply with this order to testify.

Susan J. Crawford Convening Authority

for Military Commissions

Evan J. Clausfork

det

AE 070

Maintained by Court Reporters

annoned you are only is a true and ser with the original .FILED ____ENTERED LODGED RECEIVED 4 APR 6 - MONIMARS TATES DISTRICT COURT 6 ADMIT MATTERN DISTRICT OF WASHINGTON OT OF WA AT SEATTLE 10 Lieutenant Commander CHARLES SWIFT, a 11 12 resident of the State of Washington, as next 13 friend for SALIM AHMED HAMDAN, DECLARATION OF 14 Military Commission Detainee, 15 CHARLES P. SCHMITZ, PH.D. Camp Echo. 16 Guantanamo Bay Naval Base, 17 Guantanamo Bay, Cuha, 18 19 Petitioner. 20 21 22 ٧. 23 - 1860 1849 3 CH 460 1840 1880 1831 1831 184 24 DONALD H. RUMSFELD, United States 25 Secretary of Defense; JOHN D. 26 ALTENBURG, Jr., Appointing Authority for 27 04-CV-00777-DECL Military Commissions, Department of Defense; 28 Brigadier General THOMAS L. 29 30 HEMINGWAY, Legal Advisor to the 31 Appointing Authority for Military 32 Commissions; Brigadier General JAY HOOD, 33 Commander Joint Task Force, Guantanamo, 34

Charles P. Schmitz, PH.D., hereby declares and states as follows:

I am over the age of eighteen (18) years. The following is true and correct to the best of my knowledge. I have personal knowledge of the matters stated herein and, if called upon to testify, could competently testify thereto.

DECLARATION OF CHARLES P. SCHMITZ, PH.D.

Camp Echo, Guantanamo Bay, Cuba;

GEORGE W. BUSH, President of the United

Respondents.

[43439-0001/\$1.040920.008]

i 2

3

5

7

8

9

35

36

37 38

39 40 41

42 43

44 45

46 47

States,

APPELLATE EXHIBIT >/

Perkins Coie LLP 1201 Third Avenue, Suite 4800 Scattle, Washington 98101-3099 Phone: (206) 359-8000

nothington

Fax: (206) 359-9000

- 2. I am an experienced translator of Arabic languages, and am fluent in Arabic at an academic level.
- I am presently serving as an Assistant Professor in the Department of Geography at Towson University, 8000 York Road, Baltimore, MD 21252. I have held this position since the fall of 1999.
- 4. My educational background includes a Ph.D. and M.A. in Geography and a B.S. in Conservation and Resource Studies from the University of California at Berkeley. In 1993, I was awarded a Fullbright Scholarship for my dissertation research in Yemen, and from 1993-1994, I served as a fellow with the American Institute of Yemeni Studies.
- 5. I have been awarded the following fellowships: Foreign Language and Area Studies (1990-1991-1993), Social Science Research Council Predissertation Fellowship (1991-1992), and Towson University Research Grant for research in Yemen (2001). Additionally, I have had several articles published and have performed numerous lectures regarding Yemen and the Middle East.
- 6. On or about January 25, 2004, I was hired by the appointing authority at the Naval Base at Guantanamo Bay, Cuba ("Guantanamo") to serve as the defense translator for Salim Ahmed Hamdan, a Yemeni citizen. At all times relevant since January 25th, I have served as the sole translator for Mr. Hamdan and his defense counsel. In conjunction with this employment, I was granted an interim Secret Clearance.
- 7. On or about February 8, 2004, Mr. Hamdan drafted a handwritten affidavit in Arabic, which was provided to me for translation.
- 8. On or about February 9, 2004, I typed a draft of Mr. Hamdan's affidavit in Arabic, and subsequently reviewed my typed draft with Mr. Hamdan to ensure the accuracy of the language. Mr. Hamdan made some clarifications to the typed draft of his affidavit,

DECLARATION OF CHARLES P. SCHMITZ, PH.D. -2
[44439-0001/SL040920.098]

Perkins Cole LLP
1201 Third Avenue, Suite 4800
Seattle, Washington 98101-3099
Phone: (206) 359-8000
Fax; (206) 359-9000

47 and after he was satisfied that the typed draft accurately reflected his original handwritten statement, he signed the document in my presence and in the presence of his defense counsel, Lt. Commander Charles Swift. A true and correct copy of Mr. Hamdan's Signed Affidavit is attached hereto as Exhibit A.

9. After Mr. Hamdan had affirmed the accuracy of the typed draft of affidavit, I proceeded to draft an English version of this document. A true and correct copy of the English Translation of Mr. Hamdan's Affidavit is attached hereto as Exhibit B.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct to the best of my knowledge and belief.

DATED this _1_ day of April, 2004.

Charles P. Schmitz, PH.D.

DECLARATION OF CHARLES P. SCHMITZ, PH.D.

[/SchmitzHamdanFinal with changes.doc]

Perkins Cole 1.17
1201 Third Avenue, Suite 4800
Seattle, Washington 98101-3099
Phone: (206) 359-8000
Fax: (206) 359-9000

Exhibit A

EXHIBIT A, (PAGES 5-7) FILED UNDER SEAL

Exhibit B

- 9

EXHIBIT B, (PAGES 9 – 12) FILED UNDER SEAL

2

3456789

41424344444

West the is a true o original dungton

UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON AT SEATTLE

Lieutenant Commander CHARLES SWIFT, a resident of the State of Washington, se next friend for SALIM AHMED HAMDAN, Military Commission Detainee, Camp Reho, Guantamano Bay Naval Base, Guantanamo Bay, Cuba,

Petitioner,

DONALD H. RUMSFELD, United States Secretary of Defense; JOHN D. ALTENBURG, Jr., Appointing Authority for Military Commissions, Department of Defense; Brigadier General THOMAS L. HEMINGWAY, Legal Advisor to the Appointing Authority for Military Commissions; Brigadiar General JAY HOOD, Commander Joint Task Force, Guantanamo, Camp Echo, Guantanamo Bay, Cuba; GEORGE W. BUSH. President of the United States.

Respondents.

NO.

DECLARATION OF CHARLES P. SCHMITZ, PILD.

IFILED UNDER SEAL AS TO EXHIBIT A (PAGES 5 - 7) AND EXHIBIT B (PAGES 9-12)

04-CV-00777-AF

DOC 5

DECLARATION OF CHARLES P. SCHMITZ, PH.D. - 1 [43439-0001/8L0409\$6-024]

PERKING COIR LLP 1201 Third Avenue, Suite 4500 Seattle, Washington 98101-3099 (206) 583-8888

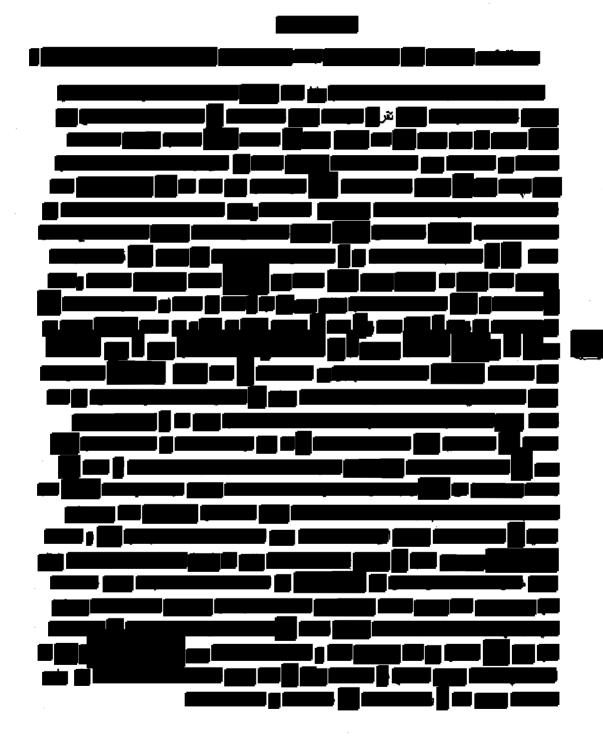
Petitioner does not believe that any of the infernation contained in the Petition for Writ of Mandamus pursuant to 28 U.S.C § 1361, or in the alternative, Writ of Habeau Cappus and Memorandum in Support thereof contains any classified or protected information. Nonetheless, Petitioner files this document under seal, is a manner consistent with the Classified Information Procedures Act, 12 U.S.C. app. 3 § 1 er seq., in an abundance of caution.

DECLARATION OF CHARLES P. SCHMITZ, PH.D. - 2 (0409-000/SLH09SL021)

PERKIPS COM LEP 1201 Third Avanua, Saite 4500 Seattle, Washington 98101-3099 (206) 583-8885

Exhibit A

UNITED STATES NAVAL STATION: GUANTANAMO BAY, CUBA:



- 5

r-000118

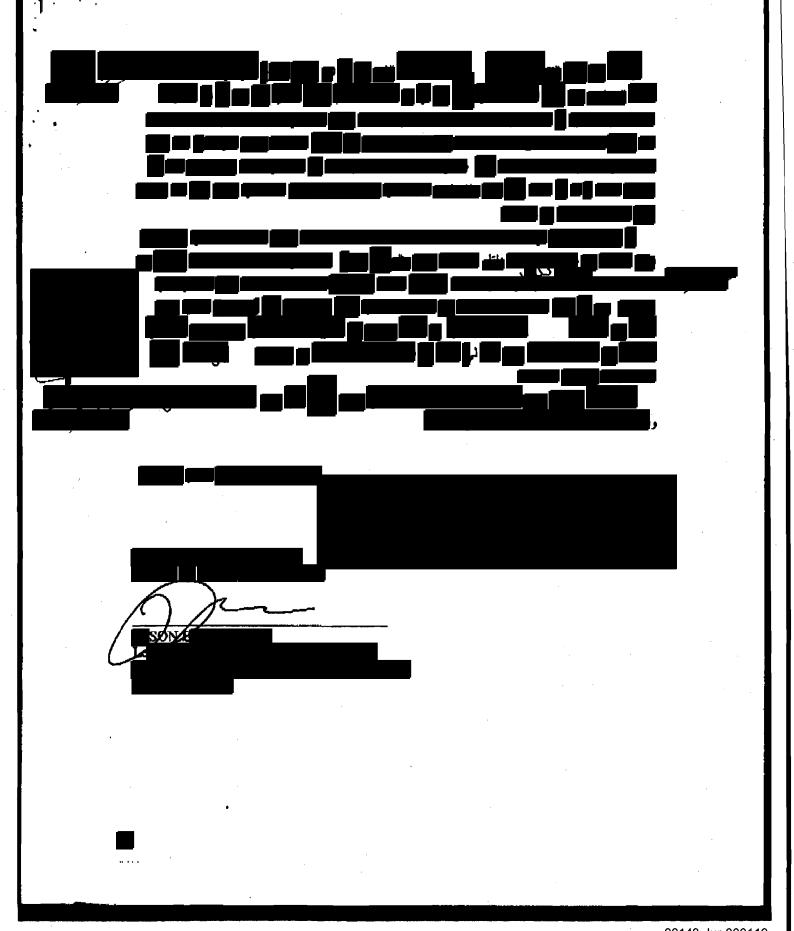


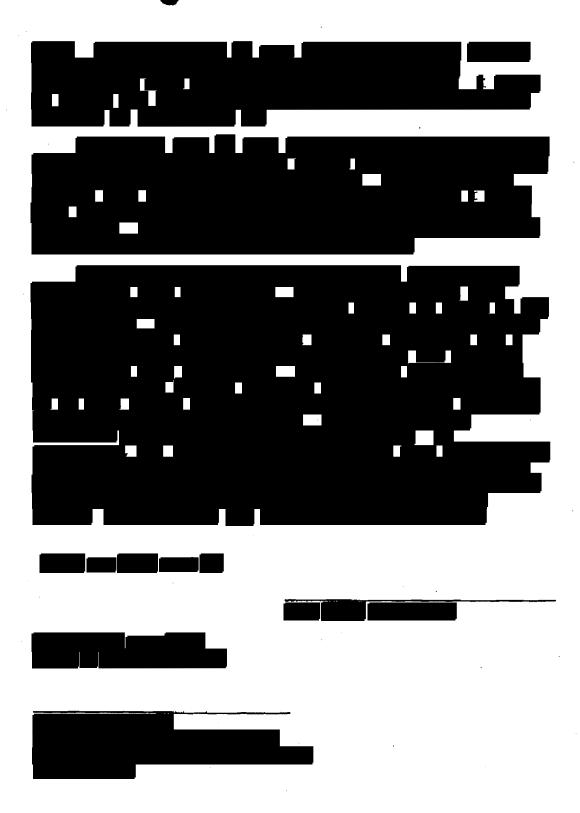
Exhibit B

- 8

told Muhannad,

- 9

Ţ





Interoffice Memorandum

To:

Anthony Gentry

20 Massachusetts. Avenue, NW Washington, .DC 20529

Attention:

USCIS

CHIEF COUNCIL

From: Office of Records Headquarters(HQREC)

Re: Certification Request(s) for 07/09/2007

Attached is (are) Certificate(s) of Nonexistence of Record(s) relating to the following subject(s):

File Number

Subject

N/A

Salim Ahmed

As Section Supervisor, Records Services Operations, I am duly authorized to make such certification and to delegate such authority in my absence.

MIKE QUINN

SECTION CHIEF

OFFICE OF RECORDS, COW

APPELLATE EXHIBIT

HQORM-70/42.4 - C

(Date)

- I, Mike Quinn, certify to the following:
- 1. That I am the Section Chief, Records Services, Citizenship and Immigration Services, United States Department of Homeland Security, and by virtue of the authority contained in Section 475(b)(1) of the Homeland Security Act of 2002, Section 290(d) of the Immigration and Nationality Act and 8 CFR 103.7(d)(4), I am authorized to certify the nonexistence of an official Service record.
- 2. That Citizenship and Immigration Services maintains centralized records relating to immigrant aliens who entered the United States on or after June 30, 1924, to nonimmigrant aliens who entered on or after June 30, 1948, and a centralized index of all persons naturalized on or after September 27, 1906.
- 3. That I, or an agency employee acting at my direction, performed a search for records relating to the subject identified below. Specifically this office searched Deportable Alien Control System (DACS), Computer Linked Application Information Management System (CLAIMS), and the Central Index System (CIS) (list any other systems searched).
- 4. That after a diligent search was performed in these database systems, no record is found to exist relating to the subject listed below:

File No: _____

Subject Salim Ahmed

Also known As (AKA): Salim Ahmed, Salim Hamdan, Salem Hamdan, Salal Al Hamad, Salam Salal Al Hamad, Sagr Al Jidawi, Sagr Jadawi, Sagr Jadawi, Sagr Jadawi, Sagr Jadawi, Sakr J

Born on: 02/25/1968 Country of Birthy Yemen

Mike Quinn Section Chief

Office of Records, COW

Speech by President Address to Nation on Terror

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release August 20, 1998

ADDRESS TO THE NATION BY THE PRESIDENT

The Oval Office

5:32 P.M. EDT

THE PRESIDENT: Good afternoon. Today I ordered our Armed Forces to strike at terrorist-related facilities in Afghanistan and Sudan because of the imminent threat they presented to our national security.

I want to speak with you about the objective of this action and why it was necessary. Our target was terror. Our mission was clear -- to strike at the network of radical groups affiliated with and funded by Osama bin Laden, perhaps the preeminent organizer and financier of international terrorism in the world today.

The groups associated with him come from diverse places, but share a hatred for democracy, a fanatical glorification of violence, and a horrible distortion of their religion to justify the murder of innocents. They have made the United States their adversary precisely because of what we stand for and what we stand against.

A few months ago, and again this week, bin Laden publicly vowed to wage a terrorist war against America, saying -- and I quote -- "We do not differentiate between those dressed in military uniforms and civilians. They're all targets. Their mission is murder and their history is bloody."

In recent years, they killed American, Belgian and Pakistani peacekeepers in Somalia. They plotted to assassinate the President of Egypt and the Pope. They planned to bomb six United States 747s over the Pacific. They bombed the Egyptian embassy in Pakistan. They gunned down German tourists in Egypt.

The most recent terrorist events are fresh in our memory. Two weeks ago, 12 Americans and nearly 300 Kenyans and Tanzanians lost their lives, and another 5,000 were wounded when our embassies in Nairobi and Dar es Salaam were bombed. There is convincing information from our intelligence community that the bin Laden terrorist network was responsible for these bombings. Based on this information, we have high confidence that these bombings were planned, financed, and carried out by the organization bin Laden leads.

America has battled terrorism for many years. Where possible, we've used law enforcement and diplomatic tools to wage the fight. The long arm of American law has reached out around the world and brought to trial those guilty of attacks in New York and Virginia and in the Pacific. We have quietly disrupted terrorist groups and folled their plots. We have isolated countries that practice terrorism. We've



worked to build an international coalition against terror.

But there have been, and will be, times when law enforcement and diplomatic tools are simply not enough, when our very national security is challenged, and when we must take extraordinary steps to protect the safety of our citizens. With compelling evidence that the bin Laden network of terrorist groups was planning to mount further attacks against Americans and other freedom-loving people, I decided America must act.

And so, this morning, based on the unanimous recommendation of my national security team, I ordered our Armed Forces to take action to counter an immediate threat from the bin Laden network. Earlier today, the United States carried out simultaneous strikes against terrorist facilities and infrastructure in Afghanistan. Our forces targeted one of the most active terrorist bases in the world. It contained key elements of the bin Laden network's infrastructure and has served as a training camp for literally thousands of terrorists from around the globe. We have reason to believe that a gathering of key terrorist leaders was to take place there today, thus underscoring the urgency of our actions.

Our forces also attacked a factory in Sudan associated with the bin Laden network. The factory was involved in the production of materials for chemical weapons.

The United States does not take this action lightly. Afghanistan and Sudan have been wamed for years to stop harboring and supporting these terrorist groups. But countries that persistently host terrorists have no right to be safe havens.

Let me express my gratitude to our intelligence and law enforcement agencies for their hard, good work. And let me express my pride in our Armed Forces who carried out this mission while making every possible effort to minimize the loss of innocent life.

I want you to understand, I want the world to understand, that our actions today were not aimed against Islam, the faith of hundreds of millions of good, peace-loving people all around the world, including the United States. No religion condones the murder of innocent men, women and children. But our actions were aimed at fanatics and killers who wrap murder in the cloak of righteousness; and in so doing, profane the great religion in whose name they claim to act.

My fellow Americans, our battle against terrorism did not begin with the bombing of our embassies in Africa; nor will it end with today's strike. It will require strength, courage and endurance. We will not yield to this threat. We will meet it, no matter how long it may take. This will be a long, ongoing struggle between freedom and fanaticism; between the rule of law and terrorism. We must be prepared to do all that we can for as long as we must.

America is and will remain a target of terrorists precisely because we are leaders; because we act to advance peace, democracy and basic human values; because we're the most open society on Earth; and because, as we have shown yet again, we take an uncompromising stand against terrorism.

But of this I am also sure. The risks from inaction to America and the world would be far greater than action, for that would embolden our enemies, leaving their ability and their willingness to strike us intact. In this case, we knew before our attack that these groups already had planned further actions against us and others.

I want to reiterate: The United States wants peace, not conflict. We want to lift lives around the world, not take them. We have worked for peace -- in Bosnia, in Northern Ireland, in Haiti, in the Middle East and elsewhere. But in this day, no campaign for peace can succeed without a determination to fight terrorism. Let our actions today send this message loud and clear: There are no expendable American targets. There will be no sanctuary for terrorists. We will defend our people, our interests and our values. We will help people of all faiths, in all parts of the world, who want to live free of fear and violence. We will persist and we will prevail.

Thank you. God bless you, and may God bless our country.

END 5:40 P.M. EDT

http://www.clintonpresidential center.org/legacy/082098-speech-by-president-address-to-nation-on-terror.htm